

funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

#### PART 942—MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

NOTE: For findings issued with the amendment of Mar. 26, 1941, effective Apr. 1, 1941, see 6 F.R. 1648. For notice of hearing on amendment of this part, see 6 F.R. 5193. For determination of the Secretary of Agriculture, approved by the President of the United States, with respect to the amendment to this part, see 6 F.R. 1686.

##### § 942.1 Definitions.

(j) The term "emergency milk" means milk received by a handler from sources other than producers and new producers under a permit to receive such milk issued to him by the proper health authorities. (Sec. 8c, 49 Stat. 753, 50 Stat. 246; 7 U.S.C. 608c) [As added by Amdt. 2, Mar. 26, 1941, effective Apr. 1, 1941; 6 F.R. 1648]

##### § 942.3 Reports of handlers—(a) Submission of reports.

(3) On or before the day such handler receives emergency milk, his intention to receive such milk. [As added by Amdt. 2, Mar. 26, 1941, effective Apr. 1, 1941; 6 F.R. 1648]

(4) On or before the 4th day after the end of each delivery period, the receipts of emergency milk, as follows: (a) the amount of such milk, (b) the date or dates upon which such milk was received during the delivery period, (c) the plant from which such milk was shipped, (d) the price per hundredweight paid, or to be paid, for such milk, (e) the utilization of such milk, and (f) such other information with respect thereto as the market administrator may request. [As added by Amdt. 2, Mar. 26, 1941, effective Apr. 1, 1941; 6 F.R. 1648]

##### § 942.4 Classification of milk.

###### (b) Classes of utilization.

(2) Class II milk means all milk disposed of as cream (for consumption as cream) and creamed cottage cheese. [As amended by Amdt. 2, Mar. 26, 1941, effective Apr. 1, 1941; 6 F.R. 1648]

(d) *Computation of milk in each class.* For each delivery period, the market administrator shall compute for each handler the hundredweight of milk in each class to which the prices set forth in § 942.5 apply, as follows:

(1) Determine the total hundredweight of milk received as follows: add into one sum (i) the hundredweight of milk received from producers and new producers, (ii) the hundredweight of milk (and milk equivalent of cream: converted at the average test of milk received from producers and new producers by the receiving handler) received from other handlers, if any, (iii) the hundredweight of milk produced by such handler, if any, (iv) the hundredweight of emergency milk, if any, and (v) the hundredweight of milk (and milk equivalent of cream converted at the average test of milk received from producers and new producers by the receiving handler) received from any other source, if any.

(2) Determine the total hundredweight of Class I milk as follows: (i) convert to quarts the quantity of milk and skim milk disposed of as milk, plain or flavored, and multiply by 0.0215, and (ii) if the quantity of milk so computed when added to the quantities of Class II and Class III milk determined pursuant to subparagraphs (3) and (4) of this paragraph is less than the total quantity of milk received, determined in accordance with subparagraph (1) of this paragraph, an amount equal to the difference shall be added to the quantity of milk computed pursuant to (i) of this subparagraph.

(3) Determine the total hundredweight of Class II milk as follows: (i) multiply the actual weight of each of the several products of Class II milk by its average butterfat test and add together the resulting amounts, (ii) divide the total pounds of butterfat thus found by

the average test of milk received from producers and new producers, and (iii) divide by 100.

(4) Determine the hundredweight of Class III milk as follows: (i) subtract from the total hundredweight of milk received, determined pursuant to subparagraph (1) of this paragraph, the sum of the amounts of milk determined pursuant to subparagraphs (2) (i) and (3) of this paragraph: *Provided*, That if the quantity of Class III milk so determined is not accounted for as being used to produce Class III milk products and as actual plant shrinkage (but not to exceed 2 percent of the total receipts of milk from producers and new producers) the remaining difference shall be added to the quantity of Class I milk, computed pursuant to (i) of subparagraph (2) of this paragraph.

(5) Determine the total hundredweight of milk of producers and new producers in each class as follows:

(i) Subtract from the total hundredweight of milk in each class the total hundredweight of milk (and milk equivalent of cream converted at the average test of milk received from producers and new producers by the receiving handler) received from other handlers and used in such class;

(ii) Subtract pro rata from the total hundredweight of milk in each class the hundredweight of milk produced by the handler;

(iii) Subtract from the hundredweight of milk in each class the hundredweight of milk (and milk equivalent of cream converted at the average test of milk received from producers and new producers by the receiving handler), except emergency milk, received from sources other than producers and new producers or handlers and used in such class; and

(iv) Subtract pro rata from the total hundredweight of milk in each class the hundredweight of emergency milk received. (Sec. 8c, 49 Stat. 753, 50 Stat. 246; 7 U.S.C. 608c) [As added by Amdt. 2, Mar. 26, 1941, effective Apr. 1, 1941; 6 F.R. 1648]

§ 942.5 *Minimum prices*—(a) *Class prices*.

(1) Class I milk—\$2.40 per hundredweight for each delivery period prior to

August 1, 1941, \$2.75 per hundredweight for each August, September, October, November, December, January, February, and March delivery period subsequent to July 31, 1941, and \$2.40 per hundredweight for each April, May, June, and July delivery period subsequent to July 31, 1941: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be \$2.00 per hundredweight for each delivery period. [As amended by Amdt. 2, Mar. 26, 1941, effective Apr. 1, 1941; 6 F.R. 1648]

(3) Class III milk—The price per hundredweight resulting from the following computation by the market administrator: for each August, September, October, November, December, January, February, and March delivery period add 9 cents, and for each April, May, June, and July delivery period add 6 cents to the average wholesale price per pound of 92-score butter at Chicago, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and multiply the resulting sum by 4. [As amended by Amdt. 2, Mar. 26, 1941, effective Apr. 1, 1941; 6 F.R. 1648]

§ 942.7 *Computation and announcement of uniform prices to producers*.

(a) For each delivery period the market administrator shall compute, subject to the provisions of § 942.6, for each handler the uniform price per hundredweight of milk received by such handler from producers during such delivery period as follows:

(1) For each plant of such handler, multiply the quantity of milk disposed of in each class, computed pursuant to § 942.4 (d) (5), by the price applicable pursuant to § 942.5: *Provided*, That if such handler has received milk (or cream), except emergency milk, from sources other than producers, new producers, or handlers, as referred to in § 942.4 (d) (5) (iii), there shall be added to the value of milk determined for such handler pursuant to this subparagraph an amount computed as follows: multiply the hundredweight of such milk (or milk equivalent of cream) by the difference between the Class III price and the

price applicable to the class in which it was disposed;

(2) For each plant of such handler, multiply the hundredweight of milk received from producers, not including new producers, by the Class I location differential for such plant applicable pursuant to § 942.5 (b) (1);

(3) Add to the value, computed pursuant to subparagraph (1) of this paragraph, for each plant of such handler located in a zone beyond the 61-70 mile zone the value for such plant computed pursuant to subparagraph (2) of this paragraph and subtract from the value, computed pursuant to subparagraph (1) of this paragraph, for each plant of such handler located in a zone nearer than the 61-70 mile zone, the value for such plant, computed pursuant to subparagraph (2) of this paragraph;

(4) Add into one sum the respective values for each plant of such handler, computed pursuant to subparagraph (3) of this paragraph;

(5) If, in the verification of the reports of such handler for previous delivery periods, the market administrator discovers errors in such reports, there shall be added or subtracted, as the case may be, an amount of money necessary to correct such errors;

(6) Subtract from the amount computed pursuant to subparagraph (5) of this paragraph an amount determined by multiplying the total hundredweight of milk received from new producers by the Class III price; and

(7) Divide the amount computed pursuant to subparagraph (6) of this paragraph by the hundredweight of milk received from producers. This result shall be known as the uniform price for such delivery period for milk (containing 4.0 percent butterfat) received by such handler from producers at plants located in the 61-70 mile freight zone.

(b) On or before the 6th day after the end of each delivery period the market administrator shall mail to all handlers, and publicly announce, the uniform price for each handler as determined pursuant to this paragraph, and the Class III price for such delivery period. (Sec. 8c, 49 Stat. 753, 50 Stat. 246; 7 U.S.C. 608c) [As amended by Amdt. 2, Mar. 26, 1941, effective Apr. 1, 1941; 6 F.R. 1648]

## PART 944—MILK IN QUAD CITIES MARKETING AREA

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AUTHORITY: §§ 944.0 to 944.11, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. 601 et seq.

SOURCE: §§ 944.0 to 944.11, inclusive, contained in Order 44, Secretary of Agriculture, Dec. 11, 1941, effective Dec. 15, 1941; 6 F.R. 6398.

NOTE: For notice of hearing on this part, see 6 F.R. 4620. For determination of the Secretary of Agriculture, approved by the President of the United States, with respect to this part, see 6 F.R. 6412.

§ 944.0 *Findings.* It is found upon the evidence introduced at the hearing, such findings being in addition to the findings made upon the evidence introduced at the original hearing on the part and being in addition to the other findings and determinations made prior to or at the time of the original issuance of the part (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

(a) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8e (50 Stat. 246; 7 U.S.C. 602, 608e) are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;